IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

WRIT PETITION NO : 15789 of 1993

Between:

M/s.Fenner India Limited,9-1-87, S.D.Road,Secunderabad-500 003 Rep.by its Executive Director Sri K.T.Reddy,S/o.K.C.P.Reddy.

..... PETITIONER

AND

1 The Union of India, Represented by its secretary Weights& Measures Department, New Delhi.
2 The Controller of Weights & Measures, Musheerabad, Hyderabad.
3 The Inspector,Legal Metrology, Weights & Measures Department, Warangal.
4 The Hon'ble IV Addl.Munsiff Magistrate, Warangal, Warangal Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for records and declare and order that the Sec 39 of Standards of Weights and Measures (Packaged Commodities) Rules 1977 as Ultravires and unconstitutional and to strike them down accordingly and /or alternatively to quash the proceedings against the petitioner company on the file of the Hon'ble IV Addl.Munsiff Magistrate, Warangal, in STC No.198/1993 by issuing a writ of Certiorari or prohibition and to make such other order or direction and grant such of the relief as to which the petitioner is entitled to in the circumstances of the case.

Counsel for the Petitioner:MR.P.NAGESWAR SREE, Advocate

Counsel for the Respondent Nos: MR.A.RAJASHEKAR REDDY (SC FOR CG)

The Court made the following :

ORDER:

1. This matter is covered by the decision rendered by this Court reported in ***Eureka Forbes Limited Vs. Union of India and others***.

2. Accordingly, this Writ Petition is allowed. No costs.

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2004. G.BIKSHAPATHY, J.

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To

1 The Union of India, Represented by its secretary Weights& Measures Department, New Delhi.
2 The Controller of Weights & Measures, Musheerabad, Hyderabad.
3 The Inspector,Legal Metrology, Weights & Measures Department, Warangal.
4 The Hon'ble IV Addl.Munsiff Magistrate, Warangal, Warangal Dist.

5. 2 CCs to the Standing Counsel for Central Government, High Court Buildings, Hyderabad.

6. 2 CD copies.